

Anti-corruption, transparency and participation need to be at the heart of distributing EU funds

In recent years, the EU has experienced a crisis in the rule of law whereby the values of political integrity have been seriously undermined in several Member States. Attacks on the rule of law have emerged in different forms, including high-level corruption, issues of conflict of interest, attacks on the independence of courts and a decline in transparent decision-making, accountability and trust. While this problem is relevant and pressing all across the EU, there are systemic problems with high level corruption especially in countries like Poland and Hungary. These problems are often closely interlinked with breaches regarding rule of law and a lack of independent judicial control.

EU institutions and Member States must act to prevent these dangers from becoming systemic. This means not only acting according to the Treaties and filling the implementation gap between anti-corruption rules and enforcement, but also investing in anti-corruption activities. This involves improving the rules, strengthening the responsible institutional bodies, and widening the participation of civil society in anti-corruption efforts.

With the enlargement of EU funds, monitoring and anti-corruption mechanisms must also be expanded. The European Commission's Resilience and Recovery Facility (RRF) cohesion policy including the Just Transition Fund (JTF), European Investment Bank's (EIB) funding and other tools to boost post-pandemic recovery and climate transition provide a significant opportunity to contribute to the necessary change. The threat of misusing public money is not only endangering the mission of these funds but is also feeding into anti-European narratives. Therefore, the European Greens are calling on the European Commission (EC) and Member States to:

- Make all EU spending conditional on respecting the rule of law as a basic condition. Abusing the rule of law is threatening our values so the EC must take decisive action and use its powers to uphold EU values and protect the Union budget. This must be a red line for all EU institutions.
- To profoundly assess and delay, where required, approval of the national recovery plan for the RRF until concrete anti-corruption measures are put in place. While implementing those tools, the Commission has to be made possible to bypass corrupt national governments and for EU funds to be directly assigned to local authorities or final beneficiaries.
- Systematically oversee the openness of the decision-making process, transparency framework and level of public participation in the JTF, the Modernisation Fund and the RRF. Implement stricter monitoring measures, involving local communities and civil society, to ensure Member States are spending the received funds as per agreed.

- A socially just transition using EU funds will only be achieved if municipalities are given direct access to EU funds and, in general, communities are involved in the process at the highest level. Use of these funds must be an output of social dialogue between communities, businesses, different levels of government, civil society, and trade unions, ensuring the creation of new green industries and new green jobs. Therefore, the Commission must ensure Institutions and national, regional and local governments are held accountable for implementing the solutions reached through social dialogue.
- During the COVID-19 pandemic, some governments further curtailed the accessibility of information of public interest with measures such as greatly increasing the time frame for answering requests for information held by public authorities. Therefore, the European Commission must ensure that the distribution of funds is the subject of unobstructed freedom of and access to public and understandable information.
- The state of public contracting and procurement contributes to the general transparency framework. We call for a strengthening of the disclosure requirements so that the general public has unobstructed access ultimately to the beneficial ownership information for all beneficiaries, including the use of various legal instruments and improving the interoperability of data among EU countries. Data must be available digitally as complete set free of charge.
- We also call for the open contracting measures to be reinforced with tools such as open contracting catalogues, which are currently in place in several Member States. Obligatory publishing of all public bodies' contracts in open-data formats contributes to improving the quality of public procurement and to greater transparency overall on the spending of public funds.
- We call for the greater engagement of citizens in decision-making, monitoring and accountability, in full respect of the partnership principle. Participation in activities such as the Open Government Partnership provides a good framework for planning, implementing and assessing anti-corruption, transparency and participation measures. In this Partnership, governments and civil society co-create two-year action plans, with concrete commitments across a broad range of issues. This model enables civil society organisations to help shape and oversee the necessary measures.
- It is crucial to combat impunity by ensuring that crimes against the financial interests of the EU are properly investigated, prosecuted and brought to judgement. In this regard, we welcome the establishment of the European Public Prosecutor's Office (EPPO) and call on its participating Member States to support the independence and the operational capacities of this new body. Moreover, law enforcement, judicial and corruption prevention authorities across the EU must be granted the necessary independence and resources to fight corruption more effectively.
- We encourage public authorities involved in the management of EU funds to require



strong anti-corruption safeguards from their private-sector partners, such as the implementation of adequate compliance programmes based on corruption risk assessment.

- We recognise the key role of whistle blowers in detecting corruption and urge all Member States to ensure the appropriate transposition and implementation of the Directive on the protection of persons who report breaches of Union law.